

the United States on the broadest possible basis, subject to reasonable adjustment periods for import-sensitive products.

Seek to eliminate the UAE's non-tariff barriers to U.S. exports.

Pursue fully reciprocal access to the UAE's market for U.S. textile and apparel products.

#### CUSTOMS MATTERS, RULES OF ORIGIN, AND ENFORCEMENT COOPERATION

Seek rules to require that the UAE's customs operations are conducted with transparency, efficiency, and predictability, and that customs laws, regulations, decisions, and rulings are not applied in a manner that would create unwarranted procedural obstacles to international trade.

Seek rules of origin, procedures for applying these rules, and provisions to address circumvention matters that will ensure that preferential duty rates under an FTA with the UAE apply only to goods eligible to receive such treatment, without creating unnecessary obstacles to trade.

Seek terms for cooperative efforts with the UAE regarding enforcement of customs and related issues, including trade in textiles and apparel.

#### SANITARY AND PHYTOSANITARY (SPS) MEASURES

Seek to have the UAE affirm its WTO commitments on SPS measures and eliminate any unjustified SPS restrictions.

Seek to ensure that the UAE's policies regarding agricultural biotechnology products and food safety standards are science-based and do not create unjustifiable barriers to trade.

Seek to strengthen collaboration with the UAE on implementing the WTO SPS Agreement and to enhance cooperation with the UAE in relevant international bodies on developing international SPS standards, guidelines, and recommendations.

#### TECHNICAL BARRIERS TO TRADE (TBT)

Seek to have the UAE reaffirm its WTO TBT commitments, including those relating to labeling requirements on U.S. food and agricultural products produced through biotechnology, and help ensure that the UAE's technical regulations, standards, and conformity assessment procedures do not serve as an unnecessary impediment to trade.

Seek to strengthen collaboration with the UAE on implementation of the WTO TBT Agreement, enhance regulatory transparency, and create a procedure for exchanging information with the UAE on TBT-related issues.

#### INTELLECTUAL PROPERTY RIGHTS

Seek to establish standards to be applied in the UAE that build on the foundations established in the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement) and other international intellectual property agreements, such as the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

Seek to have the UAE apply levels of protection and practices in line with U.S. law and practices, including appropriate flexibility, in areas such as trademark, copyright, patent, and data protection and enforcement of intellectual property rights.

Seek to strengthen the UAE's procedures to enforce intellectual property rights, such as by ensuring that the UAE authorities seize suspected pirated and counterfeit goods, and related equipment and documentary evidence.

Seek to strengthen measures in the UAE that provide for compensation of right holders for infringements of intellectual property rights and to have the UAE provide for criminal penalties to deter piracy and counterfeiting.

#### TRADE IN SERVICES

Pursue disciplines to address discriminatory and other barriers to trade in the UAE's

services market, and pursue a comprehensive approach to market access, including any necessary improvements in access to the financial services, telecommunications, and distribution sectors, while permitting each government to address domestic sensitivities.

Seek improved transparency and predictability of the UAE's regulatory procedures, and seek specialized disciplines for financial services and additional disciplines for telecommunication services and other sectors, as necessary.

In parallel with the FTA negotiations, work with the UAE in its efforts to make commitments in the WTO on access to its market for basic telecommunications services.

#### INVESTMENT

Seek to establish rules that reduce or eliminate artificial or trade-distorting barriers to U.S. investment in the UAE, while ensuring that UAE investors in the United States are not accorded greater substantive rights with respect to investment protections than U.S. investors in the United States, and to secure for U.S. investors in the UAE important rights comparable to those that would be available under U.S. legal principles and practice.

Seek to ensure that U.S. investors receive treatment as favorable as that accorded to domestic or other foreign investors in the UAE and to address unjustified barriers to the establishment and operation of U.S. investments in the UAE.

Provide procedures to resolve disputes between U.S. investors and the UAE that are in keeping with the trade promotion authority goals of being expeditious, fair, and transparent.

#### ELECTRONIC COMMERCE

Seek to affirm that the UAE will allow products and services to be delivered electronically and will not unjustifiably discriminate among those products and services.

Seek to affirm that the UAE does not apply customs duties on digital products that are delivered electronically.

Seek to ensure that the UAE determines the dutiable value of digital products contained in carrier media based on the value of the media, not their content.

#### GOVERNMENT PROCUREMENT

Seek to establish rules requiring government procurement procedures and practices in the UAE to be fair, transparent, and predictable for suppliers of U.S. goods and services who seek to do business with the UAE.

Seek to expand access for U.S. goods and services to the UAE's government procurement market.

#### TRANSPARENCY/ANTI-CORRUPTION/REGULATORY REFORM

Seek to make the UAE's administration of its trade regime more transparent, and pursue rules that will permit timely and meaningful public comment before the UAE adopts trade-related regulations and other measures.

Seek to ensure that the UAE applies high standards prohibiting corrupt practices affecting international trade and investment and enforces such prohibitions.

#### TRADE REMEDIES

Provide an appropriate bilateral safeguard mechanism, if necessary.

Make no changes in U.S. antidumping and countervailing duty laws.

#### ENVIRONMENT

Seek to promote trade and environment policies that are mutually supportive.

Seek an appropriate commitment by the UAE for the effective enforcement of its environmental laws.

Establish that the UAE will strive to ensure that it will not, as an encouragement for trade or investment, weaken or reduce the protections provided for in its environmental laws.

Help the UAE strengthen its capacity to protect the environment through the promotion of sustainable development, such as by establishing consultative mechanisms.

#### LABOR, INCLUDING CHILD LABOR

The UAE needs to independently take significant further steps to address concerns we have raised regarding protection of worker rights. Within the text of the FTA, we will:

Seek an appropriate commitment by the UAE to effectively enforce its labor laws.

Establish that the UAE will strive to ensure that it will not, as an encouragement for trade or investment, weaken or reduce the protections provided for in its labor laws.

Establish procedures for consultations and cooperative activities with the UAE to strengthen its capacity to promote respect for core labor standards, including compliance with ILO Convention 182 on the worst forms of child labor.

#### STATE-TO-STATE DISPUTE SETTLEMENT

Encourage the early identification and settlement of disputes through consultation.

Seek to establish fair, transparent, timely, and effective procedures to settle disputes arising under the agreement. In addition, the FTA will incorporate other U.S. objectives such as the protection of legitimate health, safety, environment, essential security, and consumer interests.

The Administration is committed to concluding these negotiations with timely and substantive results for U.S. workers, farmers, ranchers, businesses, and families. We look forward to continued close consultations with Congress as negotiations begin and to pursuing the specific, overall, and principal U.S. negotiating objectives set out in the Trade Act. Working together, we will achieve an FTA that benefits the United States and the UAE, and that advances America's broader goals.

Sincerely,

ROBERT B. ZOELLICK.

#### HONORING OUR ARMED FORCES

##### SPECIALIST JAMES C. KEARNEY, III

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to Emerson, IA native Spc. James C. Kearney, III, who lost his life when the military vehicle he was traveling in was struck by a rocket-propelled grenade and small arms fire near Sharan, Afghanistan. Spc. Kearney was assigned to the Iowa Army National Guard Company B, 1st Battalion, 168th Infantry, Air Assault, based in Shenandoah, IA. Spc. Kearney enlisted as an infantryman in 1999 and was mobilized for Operation Enduring Freedom in March 2004. My prayers go out to James's mother and father, Theresa and James Kearney, Jr., as well as his brothers and sister.

In paying tribute to Spc. Kearney, we recognize the efforts of an extraordinary young man who worked to make the world a safer place. The Rev. Ken Gross, a friend of James, describes him as "... a person of character with great determination. He was adventurous, fearless and enjoyed taking risks." Spc. Kearney will always be remembered for the good work that he did for his community and for his country. As a soldier and patriot, Spc.

James C. Kearney, III has given us a model of true dedication and virtue.

SPECIALIST RAYMOND L. WHITE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Elwood, IN. Specialist Raymond L. White, 22 years old, died on November 12 during an ambush in Baghdad, Iraq. Choosing not to hide within the safety of the armored Humvee in which he was riding, Raymond returned fire. During this selfless attempt to protect other members of his company, Raymond was shot. With his entire life before him, Raymond risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate of Frankton Junior-Senior High School, Raymond went on to attend the New Mexico Military Institute for 2 years before following a long-standing family tradition of joining the military. According to friends and loved ones, Raymond was pleased to follow in the footsteps of his father, uncle and great-uncle. His mother Sharon recalled to the Indianapolis Star a time when she asked Raymond why he wanted to go to Iraq. He responded simply, "Well, Mom, it's my patriotic duty."

Raymond was the thirty-sixth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 1st Battalion, 8th Cavalry Division, Fort Hood, Texas. This brave young soldier leaves behind his parents, Sharon and Henry White and his brothers, Henry, Daniel and Jessie.

Today, I join Raymond's family, his friends and the entire Elwood community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Raymond, a memory that will burn brightly during these continuing days of conflict and grief.

Raymond was known for his dedication to family and his love of country. When looking back on Raymond's life, family friend Don Cox told the Indianapolis Star that "He grew up to be a very fine young man." His father, Henry, recounted to the Indianapolis Star the description of Raymond's heroic efforts that he received from his commander, highlighting the fact that his son had died in the same fashion in which he had lived. "He always put others first," Henry said. Today and always, Raymond will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Raymond's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we

cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Raymond's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Raymond L. White in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Raymond's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Raymond.

#### FIRST LIEUTENANT EDWARD IWAN

Mr. HAGEL. I rise to express my sympathy over the loss of Edward Iwan of Albion, NE, a 1LT in the United States Army. First Lieutenant Iwan was killed on November 12, 2004 in Fallujah, Iraq when a rocket-propelled grenade hit his Army vehicle. He was 28 years old.

First Lieutenant Iwan grew up on his family's farm in Albion and enlisted in the U.S. Army upon graduation from Albion High School in 1994. After serving 3 years, he joined the Army Reserve Officers' Training Corps at the University of Nebraska—Lincoln where he earned a degree in criminal justice and received a commission in the U.S. Army. At Lincoln, he was a leader in the ROTC program. First Lieutenant Iwan was a platoon leader in the Army's 2nd Infantry Division who will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like 1LT Iwan are currently serving in Iraq.

Lieutenant Iwan is survived by his parents, Donna and Kenneth Iwan of Albion and two sisters, Ginger and Kate. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Edward Iwan's service and mourns his loss.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring 1LT Edward Iwan.

#### RETIREMENT OF SENATORS

SENATOR JOHN EDWARDS

Mr. CONRAD. Mr. President, today I want to pay tribute to Senator JOHN

EDWARDS and acknowledge his dedication to fighting for the middle class.

Senator EDWARDS, the son of a mill worker, was the first in his family to go to college. He then went on to law school where he met his wife, Elizabeth. Following his graduation from law school, he earned a reputation as one of the best trial attorneys in the country, taking on the causes of those who had suffered serious tragedies as a result of the negligence or malfeasance of others.

Elected in 1998, Senator EDWARDS has served just one term in the Senate, but he made a mark in a number of areas. First and foremost, he was a lead advocate for a Patients' Bill of Rights. From his background helping families that had suffered injuries at the hands of our health care system, Senator EDWARDS brought a passionate understanding of the need to hold health insurance companies accountable when their decisions led to serious injuries or death. More importantly, he championed changes in rules that would prevent these adverse outcomes in the first place. His dedication to this cause paid off in 2001, when the Senate finally passed the Patients' Bill of Rights.

Senator EDWARDS also made a big contribution on education policy. He was an early voice in favor of education reform, and worked to provide additional resources to help local schools achieve higher standards. As a co-chair of the Senate Rural Education Caucus, I saw first hand his work to support funding to meet rural school needs like the Rural Education Achievement Program and to make certain that the unique challenges for rural schools in complying with the No Child Left Behind Act are recognized.

Senator EDWARDS also, of course, distinguished himself in running for President and serving as the Democratic nominee to be Vice President. His concern about our country fracturing into "Two Americas"—one wealthy and privileged, the other increasingly left behind—resonated with millions of Americans.

Senator EDWARDS is leaving this body. But I am confident he will not turn his back on public service and look forward to his continued contribution to our Nation's political debate. Working with the Senator from North Carolina has been a joy, and we wish him and his wife a happy and health future.

SENATOR DON NICKLES

Mr. CONRAD. Mr. President, I want to take this opportunity to pay tribute to and acknowledge how much I will miss Senator DON NICKLES in the United States Senate.

Since joining the Senate in 1980, Senator NICKLES has been a forceful advocate for smaller and smarter government, while at the same time tenaciously fighting for the interests of the people of Oklahoma. In a body filled largely with lawyers and career politicians, Senator NICKLES brought a small businessman's perspective to the legislative table. Throughout his career he